

DURHAM SU MODEL STUDENT GROUP CONSTITUTION

NOTICE TO STUDENT GROUPS

BACKGROUND

All Student Groups (excluding Associations as regulated separately by Standing Orders, Item G) must have a constitution ("**Constitution**"), which they shall submit to the Student Groups Committee with their application for initial registration. Upon re-registration, if any amendments to the Constitution have been made since it was last submitted to the Student Groups Committee, the latest version of the Constitution will need to be submitted and the amendments clearly flagged and explained. If no amendments have been made the Student Group shall be required to make a declaration to this effect.

Each Student Group's Constitution shall clearly set out how the Student Group is governed internally i.e. its purposes, powers, governance arrangements and proceedings. Having a clear Constitution, which all members adhere to, will help to ensure that the Student Group is run smoothly and efficiently and that its members can focus their efforts on "successfully" fulfilling the Student Group's purposes rather than on governance issues.

THE TEMPLATE CONSTITUTION

For each Student Group, the Constitution is its key governing document and sets out the rules under which it conducts itself. It is therefore important that the Constitution accurately reflects what the Student Group wants to achieve and how they want it to operate.

To help ensure that your Student Group covers 'the basics' we have created a template constitution for you to use as a starting point – please see Appendix 1. All Student Groups must use and complete this template. We have also created some guidance to help you to complete the template – please see Appendix 2.

If you would like to make any changes to the template to deal with any specific needs that your Student Group may have, please do explain those changes and the specific needs in as much detail as you can when applying for registration or re-registration (as applicable). The Student Groups Committee has discretion whether or not to accept certain changes, and therefore whether or not to accept your application for registration or re-registration. The more information that you can provide to help the Student Groups Committee to assess the changes, the better.

Should you wish to make any changes to your Constitution in the interim period then the procedure set out in the template constitution at Appendix 1 must be followed.

Please note that any changes to the items listed at clause 10.2 on page 9 of this document will require the prior written consent of Durham SU given their particular importance.

If you have any questions please contact dsu.engagement@durham.ac.uk

APPENDIX 1

STUDENT GROUP CONSTITUTION

Adopted on [INSERT DATE]

1. NAME, AIMS AND ORGANISATION

- 1.1 The Student Group is called [INSERT NAME], but in this Constitution will be referred to as simply **the Student Group**.
- 1.2 The aims of the Student Group are
 - 1.2.1 [INSERT AIM]
 - 1.2.2 [INSERT AIM] etc(the **Aims**).
- 1.3 In order to achieve its Aims, the Student Group may:
 - 1.3.1 [INSERT DETAILS]
 - 1.3.2 [INSERT DETAILS] etc
 - 1.3.3 Carry out such other activities which the Committee (defined in clause 6) believes will help the Student Group to achieve its Aims, and which are agreed in advance with the Student Groups Committee.
- 1.4 The composition, work and organisation of the Student Group shall be governed by this Constitution and by the Student Group Agreement entered into between Durham SU and the Student Group. If there is a conflict between the two then the Student Group Agreement will prevail.
- 1.5 The Student Group will be overseen on a day-to-day basis by the Chair (with support from the other members of the Committee), and the Chair shall be directly answerable to the Student Groups Committee, Assembly and the Durham SU Board of Trustees. Notwithstanding this, the Committee is collectively answerable to Durham SU as the body with ultimate responsibility for compliance with the law and with the regulation of the Charity Commission.

2. RELATIONSHIP WITH DURHAM SU AND DURHAM UNIVERSITY

- 2.1 The Student Group shall at all times comply with and conduct itself in accordance with the terms of the Student Group Agreement and all relevant Durham SU or Durham University (the **University**) regulations, rules, standing orders, policies, procedures and codes of practice etc in force from time to time including but not limited to:
 - 2.1.1 The Durham SU complaints procedure;
 - 2.1.2 The agreement in place between Durham SU and the University regarding the use of the University's name;Collectively referred to in this Constitution as the **Rules and Regulations**.
- 2.2 The Student Group shall not, and shall not purport to, make or enter into any commitments for and on behalf of Durham SU or the University except as otherwise agreed in advance with Durham SU and/or the University (as applicable).
- 2.3 The Student Group recognises that it does not have permission to use the University's logo.

2.4 Neither Durham SU nor the University shall be held liable for any debts/financial liability of the Student Group unless otherwise agreed in writing and unless such liability arises from an act or omission on the part of the Student Group as authorised by Durham SU and/or the University (as applicable).

3. MEMBERSHIP

3.1 Who can be a member of the Student Group

3.1.1 All members of Durham SU may be a member of the Student Group (hereafter referred to as "**Student Members**"). Student members must join the Student Group on the Durham SU website in order to be an official member.

3.1.2 Persons who are not members of Durham SU may, at the discretion of the Executive Committee of the Student Group, become members of the Student Group (hereafter referred to as "**Associate Members**"). An Executive Committee Meeting of the Student Group will consider Associate Membership.

3.2 Minimum membership numbers

3.2.1 There must be at least [three] members at all times. If the number of members falls below this number, the existing members must immediately notify the Student Groups Committee who may decide to de-ratify the Student Group if the existing members are unable to promptly secure additional members.

3.3 Membership fee

3.3.1 As a condition of membership, members may be required to pay an annual fee to the Student Group. The level of that fee (if any) shall be decided by the executive committee, in agreement with the Opportunities team.

3.4 Membership entitlements

3.4.1 All members shall be entitled to attend all Student Group events (subject to availability and any lawful restrictions that the Officers (defined in clause 6) may impose from time to time).

3.4.2 All members shall be entitled to Student Group privileges that the Committee may arrange from time to time [such as [e.g. student group discounts at the bar]

3.4.3 All members shall be entitled to attend the Student Group's General Meetings and Annual General Meetings ("**AGMs**") and put forward agenda items to be considered, although only Student Members can vote at these.

3.5 Member responsibilities

3.5.1 Members must not act in a manner which brings, or is likely to bring, the Student Group, Durham SU and/or the University into disrepute.

3.5.2 Each member must, as a condition of membership, sign/agree to a declaration (which will generally be incorporated into the online membership purchase process) confirming that they will, at all times:

(a) comply with the terms of this Constitution, the Durham SU Code of Conduct, the relevant Rules and Regulations, and all relevant laws and regulations (including but not limited to the General Data Protection Regulation); and

(b) act in the best interests of the Student Group and Durham SU and uphold the Student Group's Aims and the objects of Durham SU.

4. GENERAL MEETINGS

- 4.1 A General Meeting may be held at any time during the University's term time.
- 4.2 [A General Meeting must be held at least [twice every University term]].
- 4.3 All members, who have fully paid any fees due to the Student Group, shall be entitled to attend a General Meeting and, if they are Student Members, they shall also be entitled to vote at a General Meeting (subject to the Conflicts of Interest section below).
- 4.4 The Durham SU Board of Trustees and the Student Groups Committee may each nominate someone to attend and speak at the General Meetings on their behalf should they wish. The non-voting delegates from Student Groups Committee and from the Durham SU Board are there to have a regard for matters of good governance, and not to seek to direct the democracy or activities of the student group. They should inform the Chair of their attendance, and the reason for their attendance, in advance of the meeting they wish to attend. Other persons who are not members of the Student Group may also attend the General Meetings but only with the prior consent of the Committee.
- 4.5 A General Meeting may be called by:
 - 4.5.1 the Committee; or
 - 4.5.2 [ten percent] of members of the Student Group.
- 4.6 Meetings may take place by video conference or telephone conference or similar means to allow every member to take part in the meeting.
- 4.7 Notification of all General Meetings shall be circulated to all members of the Student Group (and, where the agenda for the General Meeting includes a matter of significance, to members of the Student Groups Committee and the Durham SU Board of Trustees) at least seven days in advance of the meeting date. Notices shall be given in writing, including by email where members have given their consent. For the purpose of this clause 4.7, a "matter of significance" shall include a proposal to amend this Constitution or a proposal to change the rights of the Student Group's members.
- 4.8 Motions to be discussed should be presented to the Secretary not less than [five days] prior to the General Meeting unless the Committee agrees otherwise.
- 4.9 The Chair, or in their absence, the Vice-Chair (if any) shall chair the General Meeting. In the absence of the Chair and Vice-Chair, the members present at the General Meeting shall elect a chairperson from amongst themselves for that meeting.
- 4.10 The Secretary, or in their absence, another Officer nominated by the Secretary, will take the minutes of the General Meetings.
- 4.11 The quorum for General Meetings shall be [20%] of the membership of the Student Group.
- 4.12 All decisions at a General Meeting will be made by a show of hands or electronic vote, unless at least [three] members demand a secret ballot. In the case of electronic vote, that vote must be received at the email address set out in the notice of the General Meeting at least 48 hours before that meeting.
- 4.13 Motions carried by the necessary majority (i.e. a 50% or more vote in favour of the motion) at quorate General Meetings are binding on the Student Group (unless those motions also require the prior consent of the Student Groups Committee or the Durham SU Board of Trustees, in which case they will need that prior consent also to be binding).

- 4.14 A Committee member subject to a proposed motion of no confidence shall be notified of the motion no later than 7 days in advance of the General Meeting and be given the opportunity to make representations thereto.
- 4.15 A proposed motion of no confidence must be supported by [ten percent] of the members to be tabled at a General Meeting.

5. AGMs

- 5.1 AGMs shall be held annually prior to the deadline for the Student Group to submit its application for re-registration to the Student Groups Committee, as determined from year to year.
- 5.2 All members who, at the point that notice of the AGM is issued, have fully paid any fees due to the Student Group, shall be entitled to attend and, in the case of Student Members only, entitled to vote at the AGM (subject to the Conflicts of Interest section below).
- 5.3 Any person nominated by the Durham SU Board of Trustees and/or the Student Groups Committee may attend and speak at the General Meetings should they wish. The non-voting delegates from Student Groups Committee and from the Durham SU Board are there to have a regard for matters of good governance, and not to seek to direct the democracy or activities of the student group. They should inform the Chair of their attendance, and the reason for their attendance, in advance of the meeting they wish to attend. Other persons who are not members of the Student Group may also attend the AGM but only with the prior consent of the Committee.
- 5.4 Notification of an AGM shall be circulated to all members of the Student Group (and to members of the Student Groups Committee and the Durham SU Board of Trustees) at least [two weeks] in advance of the meeting date. [Notices shall be given in writing, including by email where members have given their consent].
- 5.5 Meetings may take place by video conference or telephone conference or similar means to allow every member of the Committee to take part in the meeting.
- 5.6 Motions to be discussed should be presented to the Student Group Secretary not less than [seven days] prior to the AGM unless the Committee agrees otherwise.
- 5.7 The Chair, or in their absence, the Vice-Chair (if any) shall chair the AGM. In the absence of the Chair and Vice-Chair, the members present at the AGM shall elect a chairperson from amongst themselves for that meeting.
- 5.8 The Secretary, or in their absence, another Officer nominated by the Secretary, will take the minutes of the General Meetings.
- 5.9 The quorum for an AGM shall be [20%] of the membership of the Student Group.
- 5.10 At the AGM the following business shall take place:
- 5.10.1 Chair's report.
 - 5.10.2 Report by other Officers (where applicable).
 - 5.10.3 The Student Group Secretary shall report on the administrative affairs of the Student Group.
 - 5.10.4 Approval of the minutes of the last General Meeting.
 - 5.10.5 Approval of the Student Group's accounts for the preceding year.

5.10.6 Approval of the Student Group's plan and budget for the forthcoming year.

5.10.7 Constitutional amendments (if any).

5.10.8 Such other business as is considered necessary.

5.11 All decisions at an AGM will be made by a show of hands or electronic vote, unless at least [three] members demand a secret ballot. In the case of electronic vote, that vote must be received at the email address set out in the notice of the AGM at least 48 hours before that meeting and validated by [INSERT ROLE] as eligible.

6. THE COMMITTEE

6.1 Composition of the Committee

6.1.1 The Committee is made up of the following **Officers**:

(a) The **Chair** who shall be the nominal head and representative of the Student Group and is ultimately responsible for the conduct of the Student Group and such other matters as set out in this Constitution and in the Chair's role description.

The Chair is accountable to the Durham SU Board of Trustees.

(b) A **Vice-Chair** who shall support the president and act as substitute for the Chair when they are not available and such other matters as set out in this Constitution and in the Vice Chair's role description.

(c) The **Treasurer** who shall maintain the Student Group accounts and any property whether belonging to the Student Group or in the care of the Student Group and shall be responsible to the Chair for those and such other matters as set out in this Constitution and in the Treasurer's role description.

(d) The **Secretary** who shall be responsible for the administration of the Student Group, including taking the minutes of the AGMs, General Meetings and Committee meetings and such other matters as set out in this Constitution and in the Secretary's role description.

(e) Such other positions as the Committee may decide from time to time, and which they may add to their constitutions accordingly.

6.2 Election of Officers and cessation of office

6.2.1 Notwithstanding any provision herein to the contrary, Officers must be elected in accordance with the Durham SU Student Groups Election Policy (as amended from time to time).

6.2.2 Any Student Member may run for a committee post.

6.2.3 Subject to clause 6.2.4, all Officers shall commence their posts on the first day of the University's summer break and shall continue in post until the last day of the University's third academic term. Prior to the end of their term in post, each Officer shall use all reasonable endeavours to train the incoming Officers, and to ensure a smooth handover.

6.2.4 An Officer's term in office may cease prior to the last day of the University's third academic term if:

(a) They resign.

- (b) A motion of no confidence is passed at a General Meeting held in accordance with clause 4.
- (c) They are removed from their post by the Board of Trustees of Durham SU of its own volition acting reasonably, or on the recommendation of the Panel or Appeal Panel pursuant to clause 11.
- (d) They are removed from their post by the Board of Trustees of Durham SU on the recommendation of the Committee which reasonably concludes that such Officer's tenure is either damaging to the interests of the Student Group or is no longer in furtherance of its Aims or the objects of Durham SU.
- (e) In the case of an Officer who is also a trustee of Durham SU, that person ceases to be a trustee in accordance with the articles of association of Durham SU. In these circumstances, they will be deemed to have resigned from the Committee, except in instances where the officer would continue to have student status at Durham University, and their resignation will take effect on the date that their termination from office of trustee takes effect.
- (f) They cease to be a member of Durham SU for whatever reason. In these circumstances, they will be deemed to have resigned from the Committee and their resignation will take effect on the date that their membership of Durham SU ends. Details of all resignations, dismissals and appointments must be sent to the Student Groups Committee within seven days of the resignation, dismissal and/or appointment (as applicable).

6.2.5 If an Officer post becomes vacant for whatever reason, reasonable steps shall be taken to fill the vacancy in accordance with the process for electing Officers under this constitution.

6.3 Responsibilities and powers of the Officers

- 6.3.1 The Committee shall manage the Student Group's day to day duties, general business and policy.
- 6.3.2 The Committee may delegate any of its functions to another group or person but is ultimately responsible for the acts or omissions of such group or person.
- 6.3.3 The Committee is responsible for the Student Group's compliance with the Rules and Regulations; the law (including charity law), regulation and best practice; and the Student Group Agreement and is accountable to the Durham SU Board of Trustees for the same.
- 6.3.4 The Committee may specify further responsibilities for themselves, or for any Officer, as required.
- 6.3.5 Upon appointment each Officer shall sign a declaration confirming that they:
 - (a) Are able and willing to act as an Officer.
 - (b) Shall attend such training as the Durham SU Board of Trustees and/or the Student Groups Committee may require from time to time.
 - (c) Will at all times act in the best interests of the Student Group and uphold the Student Group's Aims.
 - (d) Will at all times act in the best interests of Durham SU and uphold the objects of Durham SU.

7. THE COMMITTEE MEETINGS AND DECISION MAKING

- 7.1 The Committee must meet at least [twice in every University academic term].
- 7.2 An Officer may call a committee meeting by writing or email to the Secretary.
- 7.3 Any persons nominated by the Student Groups Committee and/or the Durham SU Board of Trustees may attend and speak at the Committee meetings. Other persons may also attend with the prior consent of the Committee.
- 7.4 Notification of a Committee meeting shall be circulated to all members of the Committee (and to members of the Student Groups Committee and the Durham SU Board of Trustees) at least [one week] in advance of the meeting date. The non-voting delegates from Student Groups Committee and from the Durham SU Board are there to have a regard for matters of good governance, and not to seek to direct the democracy or activities of the student group. They should inform the Chair of their attendance, and the reason for their attendance, in advance of the meeting they wish to attend. Notification may be circulated by email to the email address supplied by the recipients for this purpose, and provided the recipients agree in advance to receive such notifications by email.
- 7.5 Meetings may take place by video conference or telephone conference or similar means to allow every member of the Committee to take part in the meeting.
- 7.6 The Chair will chair all Committee meetings. If the Chair is unable or unwilling to do so then the Vice-Chair (if any) shall chair the meetings. If the Vice-Chair is unable or unwilling to do so, or if there is no Vice-Chair, those present shall appoint one of their number to chair the meeting.
- 7.7 In the event of a tie, the chair of the meeting will have a casting vote.
- 7.8 The quorum for a meeting of the Committee shall be [three] members.
- 7.9 The Committee may make decisions outside of meetings, provided that such decisions are recorded by the Student Group Secretary and that all members of the Committee have the opportunity to participate in the decision making process.

8. CONFLICTS OF INTEREST

- 8.1 A member (including an Officer) who has a conflict of interest in relation to the matters discussed at a General Meeting, AGM or a Committee meeting must:
- 8.1.1 At the start of the meeting declare the nature and extent of their interest in the matter in question.
 - 8.1.2 Excuse themselves from the meeting whilst the matter in question is being discussed.
 - 8.1.3 Not be counted in the quorum for the part of the meeting where the matter in question is discussed.
 - 8.1.4 Not vote on the matter in question.
- 8.2 The Secretary must keep a record of all interests declared.

9. ASSETS AND FINANCIAL MATTERS

9.1 Assets

- 9.1.1 All assets (whether tangible or intangible) ("**Assets**") purchased by the Student Group (whether from monies raised, grants awarded to it by Durham SU or

otherwise) or provided or awarded to the Student Group by Durham SU shall at all times remain the property of Durham SU.

9.1.2 The Student Group and its members shall not cause, or permit to be caused, any damage to the Assets and may otherwise be held liable for any such damage.

9.1.3 For the avoidance of doubt:

- (a) Tangible assets are physical assets such as stationery, books, tech/IT equipment, marketing materials and gear.
- (b) Intangible assets are non-physical assets such as contracts or agreements, computer software, domain names, trademarks, goodwill and copyright.

9.2 **Bank Account**

9.2.1 Unless otherwise agreed with the Durham SU Sustainability & Risk Committee, on the recommendation of the Chief Executive of Durham SU, the Student Group shall not be permitted to maintain its own bank account. All of the Student Group's funds (the "**Student Group's Funds**") must be deposited into the Durham SU bank account, as nominated by Durham SU from time to time (the "**Bank Account**"). The Student Group's Funds will be ring-fenced from such other funds contained within that Bank Account (i.e. the Student Group's Funds will be held by Durham SU as a restricted fund).

9.2.2 Money received from members, sponsors, donors, and any other third parties:

- (a) Must be immediately deposited into the Bank Account.
- (b) May only be used for the purpose it was provided, donated, etc.
- (c) Must be immediately returned if provided, donated etc. for a purpose that is incompatible with the Aims of the Student Group.

9.2.3 It is the Committee's responsibility to ensure that it instructs Durham SU as to the correct use of, or return of, the Student Group's Funds held in the Bank Account.

9.3 **Accounting Records**

9.3.1 The financial year for the Student Group is the same as that for Durham SU i.e. 31 July.

9.3.2 The Student Group's accounts and financial records shall be kept for at least seven financial years and can be inspected by any member of the Student Group, the Student Groups Committee or the Durham SU Board of Trustees upon request.

9.3.3 The Treasurer is responsible for:

- (a) Ensuring that monies received are properly accounted for, and that the Student Group's financial records are kept in good order.
- (b) Presenting the Student Group's accounts to the members annually at the AGM.
- (c) Ensuring that the ordinary expenditure of any given year is not more than the ordinary income of that year.
- (d) Presenting an undated budget to the first full meeting of the Committee in the following academic year to be discussed.

9.4 Miscellaneous

- 9.4.1 The Student Group shall be non-profit making which means that the members (including the Officers) may only receive payment, direct or indirect, as reimbursement for legitimate expenses reasonably incurred in carrying out activities in furtherance of the Aims.
- 9.4.2 Any reserves at the end of the financial year shall be carried over into the restricted reserves for that Student Group for the following financial year, unless otherwise agreed by Durham SU.
- 9.4.3 If the Student Group is suspended or de-ratified by the Student Groups Committee and/or the Durham SU Board of Trustees or the Student Group has been dormant for two years, any balance left in its Bank Account shall be transferred to the Durham SU bank account, as a restricted fund, for the charitable purposes of Durham SU.
- 9.4.4 Records of the Student Group's business (whether financial or otherwise) shall be available for inspection by members of the Student Group, the Student Groups Committee and Durham SU.

10. CHANGES TO THE CONSTITUTION AND COMPLAINTS PROCEDURE

- 10.1 Subject to clause 10.2 below, the Constitution may be amended at a General Meeting, with approval of at least 50% + 1 of those members present.
- 10.2 Any alteration to the following provisions of this Constitution will require the prior written consent of Durham SU:
 - 10.2.1 Clause 1 – Name, Aims and Organisation
 - 10.2.2 Clause 2 – Relationship with Durham SU and Durham University
 - 10.2.3 Clause 6.2.4 – Cessation of office of an Officer
 - 10.2.4 Clause 6.3.5 – Requirement for Officers to sign a declaration.
 - 10.2.5 Clause 9 – Assets and Financial Matters
 - 10.2.6 Clause 10 – Changes to the Constitution and Complaints Procedure
 - 10.2.7 Clause 11 – Breach of this Constitution
 - 10.2.8 Clause 12 – Dissolution
- 10.3 Any deviation from the Durham SU Complaints Procedure will require the prior written consent of the Durham SU Board of Trustees. A copy of that Procedure is available from the Opportunities team upon request.

11. BREACH OF THIS CONSTITUTION

- 11.1 If a member is alleged to have breached the terms of this Constitution then those allegations must be promptly reported to a member of the Committee, and the process set out below must be followed.
- 11.2 All persons involved in the process must at the outset sign a declaration to confirm that they will deal with the matter sensitively and with respect for the privacy of the relevant member concerned and shall treat the information that they are privy to as part of the process as confidential.

- 11.3 Allegations of breach of this Constitution must, where possible, be dealt with in an informal and prompt manner. However, where this is not possible, or where the relevant member of the Committee believes that the breach is more than minor or has been committed before by the same person, then the Student Groups Committee must be notified, and the more formal process below must be followed.

Investigation

- 11.4 An Officer (the **Investigatory Officer**) shall promptly investigate the alleged breach.
- 11.5 The Investigatory Officer may, as part of the investigatory process, suspend the member in question as a member of the Student Group. Suspension shall not imply that the relevant member has breached the Constitution – suspension will be a neutral measure designed to facilitate the investigation process.
- 11.6 The Investigatory Officer shall share the findings of their investigation with the Panel (defined in clause 11.7).

Panel decision

- 11.7 A panel made up of one member of the Committee (but not the Chair or the Investigatory Officer), one member of the Student Groups Committee, and one other member of the Student Group appointed by the Opportunities Officer, (the **Panel**), must promptly discuss the allegation and shall invite the member who is alleged to have breached the Constitution to put forward their views at the meeting. That member may be accompanied by a trusted friend or family member, but not a legal representative.
- 11.8 Each Panel member shall have one vote. If the majority or all of the Panel members decide that the member in question did breach the Constitution, then the Panel is authorised to carry out one or more of the following actions:
- 11.8.1 Issue a written warning to the member;
 - 11.8.2 Suspend or expel the member from the Student Group, if the member is also an officer they will automatically have been considered to have resigned from the post on suspension or expulsion of their membership with the Student Group under this clause;
 - 11.8.3 Make a recommendation to the Board of Trustees of Durham SU to suspend or expel the member from Durham SU in accordance with the latter's Articles of Association;
 - 11.8.4 If that member is an Officer of the Student Group, make a recommendation to the Board of Trustees of Durham SU to remove the member as an Officer of the Student Group and, if the Board of Trustees of Durham SU agree and action that recommendation, propose to the other members that a replacement Officer be elected without undue delay in accordance with this constitution;
 - 11.8.5 Require the member to undergo such relevant training and development as specified by the Panel and in the timeframes specified by the Panel; otherwise, the complaint will be dismissed.

Appeal Panel decision

- 11.9 Subject to clause 11.10, if the Panel decides that the member in question did breach the Constitution, that member may appeal that decision to a separate panel (the **Appeals Panel**) within 5 days of the decision.

- 11.10 Any person appealing a decision to carry out the action listed at clause 11.8.3 shall have the right of appeal (if any) as for a trustee of Durham SU as set out in Articles 86 to 89 inclusive of the Articles of Association of Durham SU.
- 11.11 The Appeals Panel shall comprise the Chair and one other Officer (excluding the Investigatory Officer and the Officer who sat on the Panel).
- 11.12 The Appeals Panel shall meet to consider the allegations against the relevant member. The proceedings of the Appeals Panel shall be conducted in the same way as the Panel originally conducted their proceedings.
- 11.13 The Appeals Panel may substitute any alternative outcome or uphold the original decision or recommendation of the Panel, and shall, in writing, notify the relevant member of the Appeal Panel's decision within 5 days of the appeal hearing.
- 11.14 Durham SU shall appoint an individual to take notes of the meetings of the Panel and the Appeals Panel and shall circulate the draft minutes to the Panel and Appeals Panel (as appropriate) for commenting and approval.
- 11.15 Subject to clause 11.16, the Appeal Panel's decision shall be final.

External validation of the process

- 11.16 If the relevant member remains dissatisfied with the decision **and** believes that the correct procedure has not been followed in reaching that decision then they must write, within 5 days of the date of the decision, to the Appeals Panel, setting out why they believe the correct procedure was not followed. An independent, external person, nominated by Durham SU Board of Trustees will then review the fairness (or otherwise) of the process and make recommendations to that Board of Trustees and the Committee on how to readdress that going forward. That independent external person may not, however, substitute an alternative outcome of the Appeals Panel.

12. DISSOLUTION

- 12.1 The Student Group may be wound up by a resolution of [two thirds] of those present in person or by proxy at a General Meeting called for that purpose provided that notice of the proposed dissolution is first provided to the Student Groups Committee and to the Durham SU Board of Trustees in good time before the General Meeting.
- 12.2 Any motion for dissolution of the Student Group shall provide that assets remaining after all liabilities have been met shall not be distributed amongst the members but instead paid to Durham SU for its general charitable purposes
- 12.3 The Student Group shall automatically be dissolved if it ceases to be registered or de-ratified by the Student Groups Committee.

APPENDIX 2

GUIDANCE ON HOW TO COMPLETE THE TEMPLATE CONSTITUTION

You will see in the template there are a number of provisions in square brackets. Those have been included to guide you, but please feel free to amend the wording in those brackets to suit the nature and anticipated size of your Student Group. For example, at clause 4.7 we have suggested that members need to be given seven days' notice of a General Meeting. You may feel that seven days is either too short or too long, and can amend that to suit how you feel your Student Group will operate best.

Some provisions however must be included in your Constitution and these include:

- Clause 1: Name, Aims And Organisation
- Clause 2: Relationship With Durham SU And Durham University
- Clause 3.1: Who Can Be A Member Of The Student Group
- Clause 3.5: Member responsibilities
- Clause 4: General Meetings
- Clause 6.2: Election of Officers and cessation of office
- Clause 6.3.5: Declaration by Officers
- Clause 7: The Committee Meetings and Decision Making
- Clause 8: Conflicts of Interest
- Clause 9.1: Assets
- Clause 9.2: Bank Account
- Clause 9.3.1: Accounting Records – financial year
- Clause 9.3.2: Accounting Records – retention and inspection of records
- Clause 9.4: Miscellaneous
- Clause 10: Changes to the Constitution and Complaints Procedure
- Clause 11: Breach of the Constitution.
- Clause 12: Dissolution

1. NAME, AIMS AND ORGANISATION

1.1 Name

1.2 It is important that your Student Group's name distinguishes your Student Group from our other ones and at the same time makes it immediately clear to others what your Student Group does. Your Student Group's name must **not** therefore:

- 1.2.1 Be misleading or ambiguous; students and members of the public alike must be clear, from the name, as to what the Student Group's activities/aims are.
- 1.2.2 Be the same or similar to that of another registered Student Group.

- 1.2.3 Be such that a reasonable person may take offence to it.
- 1.2.4 Be such that it may damage the reputation of Durham SU or the University.
- 1.2.5 Contain acronyms.
- 1.3 You may include the words "Durham University" in your name provided that the Student Groups Committee agree to this and provided you agree to comply with the terms and conditions of use of that name as set out by the University from time to time. If you are considering using "Durham University" in your name please contact the Opportunities team to discuss this further and to obtain a copy of the terms and conditions that you will need to comply with. Even if you are granted permission to use the "Durham University" name, **you may not use the University's logo.**
- 1.4 **Aims and organisation**
- 1.5 Please be as descriptive as possible in this section of the Constitution in terms of what your Student Group intends to do (i.e. what are its Aims) and how it intends to achieve that.
- 1.6 The Aims must fall within Durham SU aims/objects of **advancing education of students at Durham University**. They must not undermine or compromise, or fall outside of the scope of, Durham SU's aims/objects.
- 1.7 Think about what kind of Student Group you want your Student Group to be. Will you want it to, for example:
 - 1.7.1 Provide a social forum for those interested in X subject area.
 - 1.7.2 Organise team building events to improve member's skills in X.
 - 1.7.3 Provide members with links to X communities and companies.
 - 1.7.4 Organise and host guest lectures related to X.
 - 1.7.5 Encourage members to take a more active role in competitions relating to X.
 - 1.7.6 Provide support and industrial links for students in X.
 - 1.7.7 Events and fundraise on issues relating to X, etc.
- 1.8 As a general rule, the Student Group must be open to all interested members of the University. If you want to impose any restrictions on eligibility to join or participate in the activities of your Student Group on grounds such as national origins, ethnicity, religion, gender or sexual orientation, you must be able to adequately justify those to the Student Groups Committee.
- 1.9 Remember, we cannot have two Student Groups that are the same (or thereabouts). So you need to make sure that your Student Group stands out from the crowd.

2. RELATIONSHIP WITH DURHAM SU AND DURHAM UNIVERSITY

- 2.1 As a Durham University student and a member of the Durham SU, what you do (or don't do!) can impact on the reputations of those organisations and can have financial, legal and/or regulatory repercussions for them.
- 2.2 It is therefore important that you uphold the reputation of both Durham Students' Union and the University (particularly if you have "Durham University" in your name) at all times by complying with their policies and procedures etc.

2.3 Please speak to the Opportunities Team if you would like further details about those policies and procedures.

3. MEMBERSHIP

3.1 Who can be a member of the Student Group

3.1.1 This template assumes that your Student Group will only have two "classes" or "types" of member i.e. Student Members and Associate Members, and that only Student Members can be elected as Officers and can vote at General Meetings and AGMs.

3.1.2 However, we recognise that you may want your Student Group to be open to a broader range of membership types or may even want to narrow the range of people who can be members. If this is the case, then please make this clear and:

(a) In the case of narrowing the range of people, please explain the rationale for this and, in doing so, bear in mind that restricting entry on grounds such as gender, sexual orientation, religion, ethnicity, national origins etc are, as a starting point, prohibited under the Equality Act 2010. Robust justification would therefore be needed as to why you consider the restriction in question is necessary.

(b) If the different classes or types of person will each be entitled to different benefits, voting rights etc then again make these clear in the relevant sections of the template.

3.2 Minimum membership numbers

3.2.1 You may choose the minimum number of members that your Student Group must always have. We have suggested that the number must not be less than three, but please select a number that is appropriate to your Student Group.

3.3 Membership fee

3.3.1 If you intend to charge your members an annual membership fee that fee must be calculated in accordance with Durham SU's policy on this and must be pre-approved by the Committee.

3.3.2 You should not specify the membership price in the Constitution as your membership fee may well change over the years, if only to keep in line with inflation.

3.3.3 The membership fee should not be prohibitive and deter people from joining the Student Group.

3.4 Membership entitlements

3.4.1 If there are any particular privileges that your members will receive then feel free to list them here. However, to make things flexible only list the privileges that are likely to be available for the foreseeable future, otherwise you will need to follow the process set out later to amend the Constitution if and when the privileges change.

3.5 Membership Responsibilities

3.5.1 We have prepared a template declaration for you to complete and use for your members, which will generally be incorporated into online membership purchases. Please ask the Opportunities Team for a copy if require the text.

4. GENERAL MEETINGS

- 4.1 As your Student Group becomes more and more popular and its membership grows, then it will be increasingly important for your internal procedures to be clear and manageable. The template constitution sets out the key issues that need to be covered to help make the running of your various meetings – General Meetings, AGMs and Committee meetings – as smooth as possible. The key issues that your Constitution will need to cover as a minimum, and which are dealt with in the template are:
- 4.1.1 Frequency of meetings.
 - 4.1.2 Who can attend and vote at meetings.
 - 4.1.3 How the meetings can be called.
 - 4.1.4 How much notice needs to be given of the meetings.
 - 4.1.5 How the meetings can be held.
 - (a) If you feel that you may struggle to find a time that everyone will be available to attend meetings in person, then we have given you the right to allow people to attend by telephone / video conference.
 - 4.1.6 Chairing the meetings.
 - (a) This should usually be something that the Chair does or the Vice-Chair (if any) if the Chair is absent.
 - 4.1.7 Taking the minutes.
 - (a) This should usually be something that the Student Group Secretary does.
 - 4.1.8 Quorum.
 - (a) The quorum is the number of members needed at a meeting. If there are not enough members, then any resolutions passed/decisions made at the meeting will not be valid.
 - 4.1.9 Decision making.
- 4.2 Whilst each of the issues listed above must be covered in your Constitution, please feel free to tailor to suit the needs of your Student Group.
- 4.3 Motions including Motions of No Confidence should be circulated with the agenda for the meeting allowing members time to read the motions in advance.
- 4.4 Motions to be considered should follow the following format:
- 4.4.1 Motion proposer (or their representative) presents the case for the motion.
 - 4.4.2 The motion subject in the case of a motion of no confidence (or their representative) presents a defence against the motion should they wish to do so. In the case of a standard motion anyone against the motion can opt to speak against the motion.
 - 4.4.3 The chair will allow multiple rounds of speeches for and against the motion at their discretion but a speech for will always be complemented with the opportunity for a speech against the motion.

4.4.4 The chair will then allow a short summation from both the motion proposer and the subject of the motion in the case of motions of no confidence and a summation by the proposer and a member against the motion in the case of standard motions.

5. AGMS

5.1 Please see section 4 above.

6. THE COMMITTEE

6.1 Composition

6.1.1 It is important for you to have a committee comprising of at least a Chair/President, Treasurer and Student Group Secretary to help with overseeing and running the Student Group. We would recommend that you also have a Vice-Chair, although this is not compulsory. Please ensure that this clause accurately reflects the roles that make up your committee by adding in any additional roles or removing Vice-Chair if your group will not have this role on its committee. All roles must be listed within this clause.

6.1.2 The Committee will be directly answerable to the Student Groups Committee and to the Durham SU Board of Trustees.

6.2 Election Process and Cessation of Office

6.2.1 It is essential that elections are carried out in accordance with the Durham SU Student Groups Elections Policy. A copy of that policy is available from the Opportunities team upon request.

6.2.2 An Officer's term in office may end prematurely in a number of circumstances. The circumstances listed at clause 6.2.4 may not be amended.

6.3 Responsibilities

6.3.1 If the Committee chooses to delegate any of its functions to any groups or persons then you should ensure that you keep a record of this.

6.3.2 In light of the fact that the legal and regulatory environment in which your Student Group, Durham SU and the University operate has increased (as so too, therefore, the repercussions) it is important that your Committee keeps the Student Group on the 'right side' of the law. To help them do this we, Durham SU, will be making relevant training available to them, which we will expect them to attend. However, feel free to source your own training in addition to this!

6.3.3 So that each member of the Committee is clear on what is required of them, and other members are clear on the roles of the Committee, you should draw up a role description for each of them. Those descriptions can be amended from time to time as needed.

6.3.4 It is important that Officers of the Committee lead by example. Officers will therefore be required to sign a declaration at the start of their appointment confirming that they will act in accordance with the standards expected of them. A template declaration is available from the Opportunities Officer should you need one.

7. COMMITTEE MEETINGS AND DECISION MAKING

7.1 Please see section 4 above.

8. CONFLICTS OF INTEREST

- 8.1 Conflicts of interest can have a negative impact on your Student Group's reputation and membership as they may give the impression to the outside world that certain members are acting in their own interests rather than the interests of the members as a whole. For this reason, it is important that conflicts are managed appropriately and that members declare any conflicts that they have and do not participate or vote on matters where they are conflicted.
- 8.2 Examples of conflicts that might arise are:
- 8.2.1 Paying for a guest lecturer to speak at a Student Group event and that guest lecturer is a relative of one of the Student Group's members. That member must declare this.
- 8.2.2 Making a grant to a person who is a close relative of one of the Student Group's members. Again, that member must declare this.
- 8.2.3 Offering members discounts at a particular bar and that bar is owned by a relative of one of the Student Group's members. That member must declare this.

9. ASSETS AND FINANCIAL MATTERS

- 9.1 All assets that the Student Group purchases or otherwise acquires, shall belong to Durham SU. All Student Group members must therefore take good care of those assets and may be held liable for any damage caused to them.
- 9.2 It goes without saying that:
- 9.2.1 You can only use the monies that you receive for the purpose for which they were given.
- 9.2.2 You can only accept monies if given for a purpose that falls in line with the Student Group's Aims.
- 9.3 You must ensure that all monies are properly accounted for and that your outgoings do not exceed your incomings. This is just basic business sense!
- 9.4 Please remember that any monies received by or raised by the Student Group ultimately belong to Durham SU.
- 9.5 In exceptional circumstances, Durham SU's Finance Committee, on the recommendation of Durham SU's Chief Executive, may authorise the Student Group to have their own bank account, subject to agreed safeguards.

10. CHANGES TO THE CONSTITUTION

- 10.1 Given the increasing legal and regulatory risks that Durham SU and the University face nowadays, you will appreciate that they will need oversight on how your Student Group is run, and therefore on your Constitution. For this reason, if you would like to make any changes to certain key provisions of the Constitution (as set out in clause 10.2 of the template) then you will need the consent of Durham SU.

11. BREACHES OF THIS CONSTITUTION AND COMPLAINTS PROCEDURE

- 11.1 There may, unfortunately, be times when a member of the Student Group is not performing their duties as required, behaving inappropriately, misusing Student Group funds, or breaching the terms of this Constitution or the Rules and Regulations etc. In these circumstances, that member's behaviour needs to be addressed by the Student Group. This may, in extreme cases, involve expelling that member from the Student Group and/or from Durham SU.
- 11.2 Any deviations from Durham SU's standard Complaints Procedure must be pre-approved by the board of Durham SU.

12. DISSOLUTION

- 12.1 If the Student Group is brought to an end (for whatever reason) then anything that it "owns" will need to be transferred to Durham SU; the members are not entitled to keep that. We hope that this guide has been helpful but if you do have any questions about how to complete the template then please contact dsu.engagement@durham.ac.uk